

June 26, 2019

Clerk, U.S. District Court
District of Montana
Great Falls Division

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

AMANDA MIKHA CHERI ST.
MARKS,

Defendant.

CR 15-82-GF-BMM-JTJ

**FINDINGS AND
RECOMMENDATIONS**

I. Synopsis

Defendant Amanda Mikha Cheri St. Marks (St. Marks) has been accused of violating the conditions of her supervised release. St. Marks has admitted all of the alleged violations. St. Marks's supervised release should be revoked. St. Marks should be placed in custody for 3 months, with 25 months of supervised release to follow.

II. Status

St. Marks pleaded guilty to Bank Employee Fraud on February 8, 2016. (Doc. 37). The Court sentenced St. Marks to 7 days of custody, followed by 3 years of supervised release. (Doc. 60). St. Marks's current term of supervised release began on September 26, 2017. (Doc. 145 at 2).

Petition

The United States Probation Office filed a Petition on April 1, 2019, requesting that the Court revoke St. Marks's supervised release. (Doc. 145). The Petition alleged that St. Marks violated the conditions of her supervised release: 1) by failing to make monthly restitution payments; 2) by failing to report for substance abuse treatment; 3) by failing to report for substance abuse testing; and 4) by failing to report to her probation officer as directed.

Initial appearance

St. Marks appeared before the undersigned for her initial appearance on June 26, 2019. St. Marks was represented by counsel. St. Marks stated that she had read the petition and that she understood the allegations. St. Marks waived her right to a preliminary hearing. The parties consented to proceed with the revocation hearing before the undersigned.

Revocation hearing

The Court conducted a revocation hearing on June 26, 2019. St. Marks admitted that she had violated the conditions of her supervised release: 1) by failing to make monthly restitution payments; 2) by failing to report for substance abuse treatment; 3) by failing to report for substance abuse testing; and 4) by failing to report to her probation officer as directed. The violations are serious and

warrant revocation of St. Marks's supervised release.

St. Marks's violations are Grade C violations. St. Marks's criminal history category is I. St. Marks's underlying offense is a Class B felony. St. Marks could be incarcerated for up to 36 months. She could be ordered to remain on supervised release for up to 32 months, less any custody time imposed. The United States Sentencing Guidelines call for a term of custody of 3 to 9 months.

III. Analysis

St. Marks's supervised release should be revoked. St. Marks's should be incarcerated for 3 months, with 25 months of supervised release to follow. Upon release from custody, St. Marks should reside at Katie's House in Lewistown, Montana, for the period of time recommended by her probation officer. St. Marks should be allowed to file a motion to terminate her supervised release after she has successfully completed one continuous year of supervised release without any violations. This sentence is sufficient but not greater than necessary.

IV. Conclusion

The Court informed St. Marks that the above sentence would be recommended to Judge Morris. The Court also informed St. Marks of her right to object to these Findings and Recommendations within 14 days of their issuance. The Court explained to St. Marks that Judge Morris would consider a timely

objection before making a final determination on whether to revoke her supervised release and what, if any, sanction to impose. St. Marks stated that she wished to waive her right to object to these Findings and Recommendations, and that she wished to waive her right to allocute before Judge Morris.

The Court FINDS:

Amanda Mikha Cheri St. Marks violated the conditions of her supervised release by failing to make monthly restitution payments, by failing to report for substance abuse treatment, by failing to report for substance abuse testing, and by failing to report to her probation officer as directed.

The Court RECOMMENDS:

The District Court should revoke St. Marks's supervised release and commit her to the custody of the United States Bureau of Prisons for a term of 3 months, with 25 months of supervised release to follow. Upon release from custody, St. Marks should reside at Katie's House in Lewistown, Montana, for the period of time recommended by her probation officer. St. Marks should be allowed to file a motion to terminate her supervised release after she has successfully completed one continuous year of supervised release without any violations.

NOTICE OF RIGHT TO OBJECT TO FINDINGS AND RECOMMENDATIONS AND CONSEQUENCES OF FAILURE TO OBJECT

The parties may serve and file written objections to the Findings and Recommendations within 14 days of their entry, as indicated on the Notice of Electronic Filing. 28 U.S.C. § 636(b)(1). A district court judge will make a de novo determination regarding any portion of the Findings and Recommendations

to which objection is made. The district court judge may accept, reject, or modify, in whole or in part, the Findings and Recommendations. Failure to timely file written objections may bar a de novo determination by the district court judge, and may waive the right to appear and allocute before a district court judge.

DATED this 26th day of June, 2019.



John Johnston
United States Magistrate Judge